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David E. Spaw
January 18, 2006

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U.S. Patent Application for:
"DISPLACEMENT MEASURING INSTRUMENT"

Serial No. 10/799561; Filed March 11, 2004

KIN-15384

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Dear Sir/Madam:

A "Reinstatement of Appeal" was filed on January 9, 2006 in the above-identified application. On January 12, 2006 our deposit account was debited \$500.00 for a Notice of appeal fee (Code 1401) in this case. We believe a Notice of Appeal Fee is not due in this case as a Notice of Appeal fee in the amount of \$500.00 was paid on June 1, 2005 and, as evidenced by the attached excerpt from the United States Patent and Trademark Office MPEP, an additional fee is not due for the Reinstatement of Appeal. We therefore request that \$500.00 be credited to our Deposit Account 18-0160 Order No. KIN-15384.

Please contact me if you have any questions in this matter (216-566-9700).

Very truly yours,



David E. Spaw

DES:pa
Attachment

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1204.01 Reinstatement of Appeal [R-3] - 1200 Appeal

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1204.01 Reinstatement of Appeal [R-3]

If an appellant wishes to reinstate an appeal after prosecution is reopened, appellant must file a new notice of appeal in compliance with 37 CFR 41.31 and a complete new appeal brief in compliance with 37 CFR 41.37. Any previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal, filing an appeal brief, and requesting an oral hearing (if applicable) will be applied to the new appeal on the same application as long as a final Board decision has not been made on the prior appeal. If, however, the appeal fees have increased since they were previously paid, then appellant must pay the difference between the current fee(s) and the amount previously paid. Appellant must file a complete new appeal brief in compliance with the format and content requirements of 37 CFR 41.37 (c) within two months from the date of filing the new notice of appeal. See MPEP § 1205.

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http://www.uspto.gov/web/offices/pac/mpep/documents/1200_1204_01.htm

1/9/2006



AF *lmw*

PTO/SB/31 (08-03)
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**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTEFERENCES**

Docket Number (Optional)

KIN-15384

I hereby certify that this correspondence is being deposited with the
United States Postal Service with sufficient postage as first class mail
in an envelope addressed to "Commissioner for Patents, P.O. Box
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on January 9, 2006

Signature

Typed or printed
name

David E. Spaw

In re Application of

Chikara Sugai et al.

Application Number
10/799561

Filed
3/11/2004

For **DISPLACEMENT MEASURING INSTRUMENT**

Art Unit
2859

Examiner

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ **500.00***

* Please apply Notice of Appeal
Fee paid June 1, 2005

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 18-0160. I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/98)
- ☒ attorney or agent of record.
Registration number 34732
- ☐ attorney or agent acting under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a): _____

Signature

David E. Spaw

Typed or printed name

216-566-9700

Telephone number

January 9, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.191. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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01/12/2006 SSE5HE1 00000072-180160-10799561

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